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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/705,478	11/02/2000	Klaus Hofrichter	20381-17 (50P3907)	6825
28960	7590	04/26/2006	EXAMINER	
HAVERSTOCK & OWENS LLP 162 NORTH WOLFE ROAD SUNNYVALE, CA 94086			PWU, JEFFREY C	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 04/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/705,478

Applicant(s)

HOFRICHTER ET AL.

Examiner

Jeffrey C. Pwu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/6/2005</u> . | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/13/06 has been entered.

Claim Rejections - 35 USC § 112^{1st}

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 16, 25, 39, and 53 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The disclosure lacks clear written description in the description of the limitation “automatically determine a current functional state of said selected device and determine diagnostic information based on said current functional state of said selected device”. it is unclear, based on the downloaded interactive support service application, how to automatically determine a current functional state of a selected device and determine the diagnostic information based the current functional state of a particular selected device.

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Claim Rejections - 35 USC § 112^{2nd}

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 16, 25, 39, and 53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 16, 25, 39, and 53 are vague and indefinite because it is unclear, based on the downloaded interactive support service application, how to automatically determine a current functional state of a selected device and determine the diagnostic information based the current functional state of a particular selected device.

6. Dependent claims are rejected as being dependent upon a rejected base claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claim 54 is rejected under 35 U.S.C. 102(e) as being anticipated by LEE

(US 2002/0111950).

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LEE teaches a process of identifying and managing interactive support service applications associated with consumer electronic devices, the consumer electronic devices coupled together within a home network including a gateway device coupled to access the Internet and coupled to a display unit, the process executed by the gateway device comprising:

- determining device identification information associated with a selected one of the electronic devices for which a support service application is required; providing the device identification information to a support server computing system via the Internet; (¶[0005]; “consumer electronics”; ¶[0037] “FIG. 2 illustrates a typical computer system used as the customer support server 110 of the customer support system as shown in FIG. 1. The computer system typically includes a central processing unit (CPU) 200, a read-only-memory (ROM) 210, a random-access-memory (RAM) 220, a hard disk drive (HDD) 230, an input and output device 240, and a communication device 250. When the computer system is configured as a customer support server 110, the computer system also contains a customer support engine 112 for providing customer support services with respect to a predetermined product such as a personal computer (PC), and a database 114 for storing PC-related information that the customer support engine 112 requires. The customer support engine 112 is a software for customer support, and as shown in FIG. 3, is comprised of a gate page 300 corresponding to a homepage, a support page 310, a download page 320, a FAQ (frequently asked question) page 330 and a Window 95 page 340.”)
- downloading an interactive support service application associated with the selected device from the support server computing system, the interactive support service application comprising one or more of a remote support service application regarding use of the selected device, a remote interactive diagnosis support service application enabling remote and interactive determination

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of a current functional state of the selected device and diagnostic information indicating a problem associated with the selected device based on the current functional state of the selected device, and a remote maintenance support service application providing for performance of remote maintenance functions on the selected device; (“download service unit 326 downloads a program searched by the keyword search unit to a user computer”; also see ¶[0042])

- executing the downloaded interactive support service application at the gateway device to provide a remote interactive support service process for the selected device; and
- displaying information indicative of the current functional state of the selected device and user instructional information on the display unit. (¶[0041]-[0043])

Response to Arguments

9. Applicant's arguments with respect to claims 1-54 have been considered but are moot in view of the new ground(s) of rejection.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey C. Pwu whose telephone number is 571-272-6798. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



4/25/06

JEFFREY PWU
PRIMARY EXAMINER